Your Guide to Apply for a Trademark in India

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A trademark is a brand logo that represents your business. It is a visual symbol like a word signature, name, label, numbers or a combination of a few of these elements. It helps a particular article or a work of commerce to distinguish itself from others.

When exploring a range of brands over the internet or in a physical manner, have you ever wondered what are these special characters and numbers the brand uses? Well, they are called trademarks. We have compiled everything you need to know about a trademark in this article. Read on to know more.

What is a trademark

Very simply put, a trademark is a brand logo that represents your business. It is a visual symbol like a word signature, name, label, numbers or a combination of a few of these elements. It helps a particular article or a work of commerce to distinguish itself from others.
Usually, this is used by manufacturers or service providers to identify their own products or services from those of their competitors.

In India, trademarks are registered by the Controller General of Patents Designs and Trademarks, Ministry of Commerce and Industry, Government of India. Trademarks are registered under the Trademark Act, 1999. They provide the owner with the right to sue for damages when infringements of a trademark take place.

Who can avail this in India

Any individual or a company, proprietorship or an LLP, who claims to be an owner of the said organisations can apply for a trademark. The application for a trademark can be filed within a few days and you can start using the 'TM' symbol. Usually, it takes about 18 months to 24 months to get a trademark but in the interim, you can use the Registered symbol for yourself. **Please note:** Once a trademark is registered, it is valid for 10 years from the date of filing, which further can be renewed from time to time.

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How to apply for a trademark in India

It is recommended to take an expert's help while getting a trademark registered for yourself. Here's how you can apply for this in three simple steps:

Step 01 Trademark search

The first step to getting started with the process of a trademark application is to check whether your business name or logo is available or there exists something similar.
Usually, the agent conducts this search with the Trademark Office.
There are two kinds of searches: online and offline. It is always recommended to get done with both of the searches as this

eliminates the risk of any legal issues in the future. Once you are found to be unique, you can move to the next step.

Step 02 Creating an application

After you have conducted thorough research with the help of a professional, the next step is to draft the trademark application. Make sure you are very precise and on point at this step. Again, it is recommended to take a professional’s help at each stage since this stage decides if your application will be considered or not.

Step 03: Registering a trademark

The last step is to get this registered. Usually, the government charges a fee of INR 4,500 in case of an individual, startup or a small enterprise. In case of any other line of business, the fee is INR 9,000.

- Now, after you have followed these steps, the Trademark Office will first check your application to see if it’s already been taken. If it has, a trademark objection will be raised
- If it has no objection, it makes an advertisement in the Trade Marks Journal
- If there is no opposition from other businesses in the next four months, your trademark is registered within a span of six months

Benefits of getting a trademark for your business

Even the biggest of the brands like Apple, Coca Cola, Photoshop, Google etc. are seen protecting their business by getting a trademark. Here are some of the major benefits of getting one for yourself or your business:

- If you have a registered trademark, you can stop others from using your trademarked business name/ logo with regards to the goods or services they provide. In other

words, it guarantees the identity of the origin of any particular thing.

- If you own this ones, you have all the right to sell a trademark too. This means that just like any other form of an asset such as land, you can consider a license as it can be sold, licensed or assigned.
- For a business, it serves as a badge of loyalty and affiliation and helps in stimulating further purchases.

To conclude, it can be said that registering for a trademark is a wise decision. However, the process of registering in itself seems a bit tedious and time-consuming. But if done with proper research and care, it turns out to be one of the biggest assets for an individual as well as a business!